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PATENT

Attorney Docket No. MIT-087

AUG 22 2001

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rosenberg et al.
SERIAL NO.: 09/557,262 GROUP NO.: 1632
FILING DATE: April 24, 2000 EXAMINER: Ram R. Shukla
TITLE: HEPARAN SULFATE D-GLUCOSAMINYL 3-O-
SULFOTRANSFERASES, AND USES THEREFOR

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This paper is responsive to the Office Action mailed from the United States Patent Office on June 6, 2001. The shortened statutory period for response expired on July 6, 2001. A Petition and fee for a two-month extension of time up to and including September 6, 2001, are enclosed.

The Office Action indicates that a restriction to one of the following claim sets is required:

Set I. Groups I-VI - Claims 1-12, and 29-32, drawn to an isolated nucleic acid encoding a full length or fragments of 3-OST protein, vectors comprising the nucleic acid, host cells comprising the vector, and a non-human transgenic animal that expresses an endogenous or exogenous 3-OST protein;

Set II. Groups VII-XII - Claims 13-18, drawn to a 3-OST protein or a functional fragment thereof;

Set III. Groups XIII-XVIII - Claims 19-28, drawn to an in vitro method of proteoglycan sulfation of a polypeptide by a 3-OST enzyme activity, classified;

Set IV. Groups XIX-XXIV - Claims 29-32, drawn to a transgenic non-human animal wherein the expression of an endogenous 3-OST gene is inactivated by inserting a reporter construct, in which the expression of the reporter gene is under the control of a 3-OST transcriptional regulatory sequence, in the genome of the transgenic non-human animal by homologous recombination, classified in class 800, subclass 8;

Set V Groups XXV-XXX - Claims 33-36, drawn to an antibody specific to a 3-OST protein and a cell producing the antibody, classified in class 530, subclass 387.1;



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Set VI Groups XXXI-XXXVI - Claims 37-40 and 57-60, drawn to a nucleic acid which comprises the regulatory sequences of a 3-OST gene driving the expression of a reporter gene, a host cells comprising the nucleic acid, and a method of identifying compounds that can modulate the expression of a 3-OST gene wherein said compound alters the activity of a 3-OST transcription regulatory sequences, classified in class 435, subclass 375; and

Set VII Groups XXXVII-XXXXII - Claims 41-56, drawn to an in vitro method of partial sequence determination of a polysaccharide sample by monitoring ligand binding due to modification of the polysaccharide by a 3-OST, classified in class 435, subclass 4.

The Office Action further requires an election of one of the six disclosed nucleic acids. Applicants hereby elect claim Set I (i.e., claims 1-12 and 29-32) and Group I (i.e., human or murine 3-OST-1) with traverse.

Applicants submit that the restriction is improper and should be withdrawn because a search of any one of the claim groups would necessarily include a search in the classes and subclasses relevant to each of the other claim groups. Applicants thus request reconsideration of the requirement for restriction and examination of all claims (i.e., claims 1-60).

A Petition and fee for a two-month extension of time are enclosed. Applicants believe that no additional fee is due to have this Response entered. However, if any additional fee is due, the Commissioner is hereby authorized to charge Deposit Account 20-0531.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Maureen A. Bresnahan".

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Date: August 16, 2001

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